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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,125	02/08/2002	Norihiro Tokita	2309/OK259	1463
7590 04/23/2004 DARBY & DARBY P.C. 805 Third Avenue New York, NY 10022			EXAMINER PIERCE, JEREMY R	
			ART UNIT 1771	PAPER NUMBER
DATE MAILED: 04/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/071,125

Applicant(s)

TOKITA ET AL.

Examiner

Jeremy R. Pierce

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

*Elizabeth M. Cole*  
ELIZABETH M. COLE  
PRIMARY EXAMINER

Continuation of 2. NOTE: The new claims recite that the liquid-absorbing layer is a through-air bonded nonwoven fabric of synthetic fibers. This limitation raises new issues not previously considered by the Examiner. Additionally, Applicant's Amendment is not compliant with the revised amendment practice set forth in 37 CFR 1.121 because "(previously amended)" is not an appropriate claim identifier (see Attachment).

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that the "extrusion laminating" of the present invention is not identical to the prior art methods of applying the film layer. The Examiner agrees that the methods used are different, however, similar products may be produced using different methods. Applicant asserts that if the entire film layer is heated to a molton level using the processes in the prior art leve, the liquid absorbing layer would be greatly affected, whereas using extrusion laminating will not affect the absorbing layer. This assertion is not supported by any proof. The film will be applied to the liquid-absorbing layer at a similar temperature whether the film is applied in a molton state directly, or is applied in a solid state and then heated to a molton state. Also, while liquid absorbing layer may be exposed to heat in the processes of the prior art references, this doe not necessitate the layer is "greately affected" unless the melting point of the absorbing layer is similar to the film. However, the prior ar references do not teach similar melting points among the layers. Finally, Applicant's claims do not preclude the liquid-absorbing layer being "greatly affected." The only structural limitation given to the liquid-absorbing layer in claim 1 is that it be present and be able to absorb drips. The Abuto and Terada references certainly meet this limitation.